

REMARKS

The foregoing amendment is provided to correct minor errors and place the current application in condition for allowance, rather than to avoid prior art.

Applicant respectfully requests reconsideration of the above identified application. Claims 1-30 are pending. Claims 1-30 are rejected. Claims 8 and 17 are amended.

The remaining comments are directed to Claims 1-30. Applicant respectfully notes that in the Office Action mailed on January 5, 2004, interpretations or characterizations by the Examiner, include inferences and/or potential limitations, to which Applicant does not agree.

35 U.S.C. § 103(a) REJECTIONS

The Office Action mailed on January 5, 2004 rejects Claims 1-30 under 35 U.S.C. 103(a) as allegedly being unpatentable over US Pat. No. 5,872,980 (Derrick) in view of US Pat. No. 6,148,395 (Dao).

The Examiner states with regard to Claims 1, 8, 14, 17 and 25 that Derrick fails to explicitly teach to allow the first modification request to succeed if the identified ownership state corresponds to the first requesting device but that it would have been obvious at the time the invention was made because granting requests for semaphore modifications according to an order such as round robin is well known in the art. Applicant respectfully disagrees with the Examiners assertions.

First, whether granting requests for semaphore modifications according to an order such as round robin is, or is not, currently well known in the art does not have direct bearing on what would have been obvious at the time the invention was made. The present application, for example, was published nearly two years ago. At issue, is what was known at the time the invention was made, and the Examiner provides no references to show that such techniques were known or used prior to the filing of the present application.

Second, Derrick discloses that requesting devices would read from the semaphore repeatedly until access to the shared resource was achieved. The process was known as "spinning," (col. 1, lines 48-56). Derrick proposed a spin buffer for locking out accesses to each semaphore independently of accesses to other semaphores (col. 2, lines 61-63).

Notice that access to semaphores must be unlocked to allow other devices to perform semaphore operations and even to allow the device that currently owns the desired shared resource to relinquish ownership (col. 2, lines 33-37). Derrick does not change the practice of requiring the requesting device to clear the lock bit even if the semaphore would indicate that the shared resource is not owned (Fig. 3, step 310, col. 4, lines 23-28). Therefore, there is no discussion or suggestion of arbitration and no identification of an ownership state of a semaphore by a semaphore checker that receives semaphore modification requests as asserted by the Examiner. Rather, Derrick's requesting device simply locks out accesses by other devices to the same semaphore without yet knowing if it is owned by another master (Fig. 2, steps 204 and 206, col. 3, lines 57-59).

Accordingly in light of the argument presented above, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1, 8, 14, 17 and 25.

With regard to Claim 24, Applicant respectfully submits that since the requesting devices simply lock out accesses by other devices to the same semaphore, Derrick's spin buffer is not a semaphore checker as asserted by the Examiner, and so the reference provides no discussion or suggestion of a semaphore checker coupled to a semaphore to allow access to a shared resource as claimed. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of Claim 24.

Therefore, Applicants respectfully submit that Claims 1, 8, 14, 17 and 24 are patently distinguished over the art cited by the Examiner. Applicants further believe that Claims 2-7, 9-13, 15-16, 18-23, and 25-30 being dependent therefrom are also patentable. Applicants respectfully request the Examiner withdraw his rejection under 35 U.S.C. 103(a).

Applicants, therefore, believe that Claims 1-30 are presently in condition for allowance and such action is earnestly solicited.

#### CONCLUSION

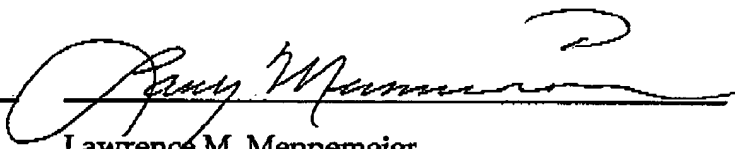
Applicants respectfully submit the present claims for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Lawrence M. Mennemeier at (408) 765-2194.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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